

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING – MARCH 5, 2015**

The meeting was called to order at 9:00 A.M. with Commissioners Kasian and Kessel in attendance. Commissioner Arthaud was absent.

Others present during portions of the meeting were: Clarence Sitter, Zarina Khairzada, John Hild, Jesse Hanson, James Odermann, Deb Walworth, Laura Grzanic, Joe Marques, Alvin Klem, Derek Hendricks, Tim Hendricks, Allan Richard, Karen Putnam, Cody & Ashley Lindbo, Bob Prociv, Richard Brown, Pat Hedstrup, Bill & Lana O'Brien, Evan Erikson, Jacob Odermann, Andrew Krebs, Justin Hyndman, Jay Harvester, Bill Foster, Bob Dresof, Paul Dvorak, Aaron Pietila, Jesse Medelson, Randy Schwartz, Hugh Hlebechuk, Sheriff Patrick Rummel, States Attorney Brovold, Road Superintendent Jeff Iverson, Deputy Sheriff Shawn Thomas, Irv Nodland, Zoning Director Stacey Swanson, Deputy Zoning Director Juliana Pemberton.

Kasian moved to approve the minutes from the February 3, 2015 regular meeting. Kessel seconded. All voted aye.

Sheriff Rummel presented the monthly Sheriff's report and went over it with the board. They discussed a new employee and some outreach training that has been provided to area companies regarding truck permitting. Discussion then turned the possibility of a county housing project with the school district.

Auditor Lamb presented information to the board regarding the "Surge" funds that were approved by the State. The funds to be received by the county will be disbursed through the North Dakota Department of Transportation. There are specific criteria that NDDOT has placed on the funds and they may only be used for road and bridge projects that will be designed to 105,500 and 55 mph design speed. The funds may not be used for any other county needs. Road projects meeting these criteria will need to be approved by NDDOT prior to receiving the funding.

Clarence Sitter, Chief Financial Officer for the Theodore Roosevelt Medora Foundation was present to go over the plan for the Life Skills Center to be built in Medora. They are requesting that Billings County issue revenue bonds under the Municipal Industrial Development Act of 1955 in order to finance the Life Skills Center. States Attorney Brovold was present and when discussion turned to liability, it was determined that the county would have no obligations or liability in issuance of the bonds. A resolution for preliminary approval subject to a public hearing on April 7, 2015 at 1:00pm was reviewed. Kasian moved to approve the resolution as presented. Kessel seconded. All voted aye. Resolution 2015-12 reads as follows:

**RESOLUTION RELATING TO A PROJECT UNDER THE MUNICIPAL  
INDUSTRIAL DEVELOPMENT ACT, GIVING THE PROJECT  
PRELIMINARY APPROVAL, SUBJECT TO A PUBLIC HEARING  
(THEODORE ROOSEVELT MEDORA FOUNDATION PROJECT)**

**BE IT RESOLVED** by the Board of County Commissioners of Billings County, North Dakota, (the "County") as follows:

**Section 1. POLICY AND PURPOSE.**

**1.1.** For the purpose of promoting, attracting, encouraging, and developing an economically sound commerce, preserving and developing a tax base adequate to finance necessary public services, and encouraging employment opportunities for the citizens of the County, the County is authorized by the Municipal Industrial Development Act, Chapter 40-57, North Dakota Century Code (the "Act"), to issue revenue bonds and to loan the proceeds to nonprofit corporations for the purpose of providing revenue-producing facilities, and to refund bonds previously issued under the Act.

**1.2.** Theodore Roosevelt Medora Foundation, a North Dakota nonprofit corporation, (the "Foundation") has requested the County to issue its revenue bonds under the Act in an amount not to exceed \$8,000,000 (the "Bonds") for the purposes of (i) financing the construction and equipping of a new administration and skills training facility to be located at 405 East River Road S., in Medora (the "Project"), (ii) refunding the outstanding County of Billings, North Dakota Foundation Facilities Revenue Bonds (Theodore Roosevelt Medora Foundation Project) Series 2008 (the "Prior Bonds"), and (iii) paying the costs of issuance.

**Section 2. FINDINGS.**

**2.01.** Subject to the holding of a public hearing according to law, it appears the issuance of the Bonds is in the public interest and any competitive nature, impact and effect of the issue upon existing industry and business will not result in an unfair advantage for the Foundation to the substantial detriment of existing enterprises.

**Section 3. APPROVAL AND AUTHORIZATION.**

**3.1.** Subject to the holding of a public hearing according to law and subject to the mutual agreement of the County, the Foundation, and the purchaser of the Bonds as to the details of the Bonds, the loan agreement, and other documents necessary to evidence and effect the financing of the Project, the refunding of the Prior Bonds and the issuance of the Bonds, the issuance of revenue bonds of the County, in one or more

series, in an amount not to exceed \$8,000,000, is hereby approved and authorized.

3.2. If final approval and authorization is given after the public hearing, the Foundation shall not be required to advertise for public bids on any part of the Project as the County hereby waives the requirements of Chapter 48-01.2 N.D.C.C. as authorized by Section 40-57-03(12) N.D.C.C.

3.3. Neither this preliminary commitment nor any actions, agreements, or legal matters related hereto or executed in pursuance hereof, shall in any manner or form create an indebtedness or liability of the County.

**Section 4. PUBLIC HEARING.**

4.1. Because a public hearing, after notice according to law, is required for final approval of such bond issue, a public hearing on the issuance of the Bonds shall be held at the Billings County Courthouse, Medora, North Dakota on April 7, 2015, at 1:00 p.m., and the County Auditor is hereby instructed to cause the notice of such public hearing to be given according to law.

4.2. The form of public notice attached to this Resolution is hereby approved. Dated this

5<sup>th</sup> day of March, 2015.

APPROVED:

\_\_\_\_\_  
President, Board of County  
Commissioners

ATTEST:

\_\_\_\_\_  
County Auditor

Jesse Hanson from the ND Parks and Recreation Department was present to discuss a request to place a .7 mile trail through the right-of-way on East River Road for the Maah Daah Hey trail as the landowner has refused to allow the trail through their property. Discussion ensued regarding the fact that currently users of the trail which include horseback riders, hikers, and mountain bikers either travel on the county road, in the road ditch, or trespass on private property. States Attorney Brovold was present and informed the board that there would be potential liability if allowed in the road ditch but there are also liability issues with the individuals traveling on the road, although a recreational immunity statute was referenced. Kasian moved to give preliminary approval contingent upon a formal lease agreement with the ND Parks and Recreation Department as well as the Hellicksons, and formal approval to be handled by State’s Attorney Brovold and Road Superintendent Iverson.

Richard Brown and Joe Marques were present from Morgan Chase Management, LLC. They asked to be on the agenda to request reconsideration of their application which was denied at the February 3, 2015 commission meeting. Richard Brown addressed the board regarding the expense and the upkeep of the building and that he has retained Attorney Irv Nodland to represent their zoning request. Attorney Nodland approached the board and stated that the last day from a legal standpoint to file an appeal of the commission decision would be today if it was not reconsidered and approved. States Attorney Jay Brovold was present. Discussion ensued by the board regarding potential uses for the property. Members of the public were present and gave testimony in opposition and in favor of the proposal. No motion was made on the request. Attorney Nodland stated that they would be filing an appeal with District Court today. Discussion ended.

The board reviewed zoning requests that had been addressed by the zoning board at their February 19, 2015 meeting as follows:

Evan Erikson: Application for a Variance to allow an industrial use in a commercial district. Proposed use is temporary for the storage of rig & oil field equipment on a 9.34 acre parcel in the NE1/4NW1/4 section 1-139-100 (13256 36<sup>th</sup> St SW, south side of Old Hwy 10). One trailer is in the middle of property one trailer is being used for storage. The zoning board approved the variance conditional upon Road Superintendent Iverson approving the approach and that there will be no hazardous materials stored on the property and no equipment stored within the setback of 103’ from center of the road. Jeff stated that the approach is adequate. Kasian moved to uphold the zoning board decision. Kessel seconded. All voted aye.

Lance Thomas: Application to construct an attached garage on a 2.5 acre property in the SW1/4SW1/4 36-141-99 (12699 30<sup>th</sup> St SW). Property is zoned residential. The zoning board approved the application. Kasian moved to uphold the zoning board decision. Kessel seconded. All voted aye.

Steve Klym: Application to renew a conditional use permit to have 2 RV’s as temporary housing in the N1/2NE1/4 22-140-100 (3309 134<sup>th</sup> Ave SW). Property is zoned agricultural. The zoning board approved the renewal. Kasian moved to uphold the zoning board decision. Kessel seconded. All voted aye.

Steve Klym: Application to renew a conditional use permit to have a duplex temporary housing unit on a 6.44 acre tract in the NW1/4 23-140-100 (3310 134<sup>th</sup> Ave SW). Property is zoned commercial. The zoning board approved the renewal. Kasian moved to uphold the zoning board decision. Kessel seconded. All voted aye.

Sheriff Rummel approached and served the board with legal papers. The documents were accepted and given to States Attorney Brovold.

Letters from the Forest Service, Medora Grazing Association and Billings County residents were reviewed regarding a request for the County to agree to provide maintenance for Mike’s Creek Road. Road Superintendent Iverson will review the letters and the road and will bring recommendations to the next meeting.

Sheriff Rummel addressed the board regarding Southside of City of Medora and their concerns regarding maintenance and approval of approaches on that portion of East River Road inside of city limits. Road Superintendent Iverson and Auditor Lamb will do some research from when it was paved.

Discussion ensued regarding frost restrictions which will be going into effect. They, along with all other County road restrictions are posted on [www.ndenergy.org](http://www.ndenergy.org) and the Sheriff’s office will maintain the list.

Justin Hyndman and Andrew Krebs from KLJ were present for the monthly engineer’s report.

The board recessed from 12:00 to 1:00 P.M.

States Attorney Jay Brovold was present for the 1:00P.M. bid opening for project number COIA-0418(051), Franks Creek Road. A total of 10 bids were received and after review of contractor’s licenses and bid bonds, SA Brovold opened. The bids were as follows: 24/7 Contracting \$502,771.19, Crow River Construction \$542,822.50, Edward H Schwaartz Construction, Inc \$429,096.85, Hlebechuk Construction Inc \$313,200.95, J. Koski Co. \$645,294.25, Knife River Corporation – Northwest \$668,739.18, Martin Construction, Inc. \$437,460.00, Meyer Contracting Inc. \$542,582.90, Youderian Construction Inc. \$534,905.40, and J&S Construction \$445,368.25. The apparent low bidder was Hlebechuk Construction Inc. Kasian moved to award the bid to Hlebechuk Construction Inc. contingent upon the mathematical calculations being reviewed by KLJ, Inc. Kessel seconded. All voted aye.

The board approved the revenue vouchers for the month of February: Recorder \$4,443.60; Zoning \$400.00; Court \$45.00; Sheriff \$35.00

Revenues for materials and/or services rendered in February: Allan Marx \$192.60 scoria & trucking; Belfield Sportsman Club \$612.00 equipment rental.

Revenues for the month of February: Sheriff \$5,197.60 overload fees; Sheriff \$21,017.35 permits, Highway Tax Distribution \$15,553.11; Oil & Gas Production Tax \$139,518.26; Interest \$2,669.60; Royalties \$30,028.21; Unorganized Oil & Gas Production Tax \$39,572.39; Fireworks Permit \$2.00; NDDDES FEMA Payment \$15,040.10.

The following claims were approved for payment:

PAYEE	CHECK #	AMOUNT
24/7 Contracting Services, LLC	008983	\$ 266,602.08
Advanced Business Methods	008984	\$ 2,934.34
Alternative Sanitation	008985	\$ 220.00
AmericInn of Medora	008986	\$ 154.00
Ameripride Linen Service	008987	\$ 290.84
A T & T Mobility	008988	\$ 72.42
Baymont Inn & Suites – Mandan	008989	\$ 448.20
Belfield Automotive Supply, Inc.	008990	\$ 1,544.52
Belfield Plumbing & Heating	008991	\$ 2,892.80
Best Energy	008992	\$ 3,699.00
Billings County Rural Fire District	008993	\$ 39,705.92
Billings County Historical Society	008994	\$ 2,148.59
Billings County Pioneer	008995	\$ 1,061.28
Billings County School District	008996	\$ 418,440.68
Bismarck Tribune	008997	\$ 373.80
Booke, Travis	008998	\$ 35.00
Bound Tree Medical	008999	\$ 1,844.35
Brooks & Associates, C. E.	009000	\$ 9,411.30
Brownell’s, Inc.	009001	\$ 55.83
Buffalo Gap, Inc.	009002	\$ 109.95
Burian, Maynard, & Michele	009003	\$ 7,192.40
Burian, Myran & Mary C.	009004	\$ 6,182.80
Butler Machinery Co.	009005	\$ 1,649.42
Carquest Auto Parts	009006	\$ 30.23
Cassidy, Dr. Michael	009007	\$ 1,000.00
Chief Law Enforcement Supply	009008	\$ 347.04
Complete Crete	009009	\$ 2,416.84
Creative Energy	009010	\$ 57.38
Dakota Farm Equipment, Inc.	009011	\$ 637.09
Dakota Insurance	009012	\$ 34.00
Deans Distributing	009013	\$ 1,292.40
Diamond Truck Equipment	009014	\$ 975.00
Dickinson Public Library	009015	\$ 3,736.25
Elkhorn Cafe	009016	\$ 95.50
Energy Systems Industrial	009017	\$ 91.70
Fastenal Company	009018	\$ 394.26

Ferguson Enterprises, Inc.	009019	\$	135.65
Fujitsu Computer Products	009020	\$	1,254.75
Gall's, Inc.	009021	\$	147.94
George's Tire, LTD	009022	\$	838.00
Golden Valley County	009023	\$	9,796.26
Hagen Farms, LLC	009024	\$	6,085.15
Hagen, Kari J.	009025	\$	6,085.15
Hagen, Larry W.	009026	\$	6,085.15
J and J Operating, LLC	009027	\$	1,009.38
Jamestown Communications, Inc.	009028	\$	11.00
Kadrmass, Lee, & Jackson, Inc.	009029	\$	64,142.35
Kasian, Connie	009030	\$	84.50
Kasian, Michael E.	009031	\$	146.05
Kessel, Anita F.	009032	\$	96.00
Kessel, Joseph L.	009033	\$	121.90
Kohler Communications, Inc.	009034	\$	670.50
Krebs Machine & Repair	009035	\$	15.30
Krush, Paul	009036	\$	98.30
Lyle Signs, Inc.	009037	\$	78.27
Mac's, Inc.	009038	\$	359.70
Mainstay Suites – Bismarck	009039	\$	83.00
Matthew Bender & Company, Inc.	009040	\$	37.08
Med Alliance Group, Inc.	009041	\$	517.65
Medora, City of...	009042	\$	21,488.05
Menards – Dickinson	009043	\$	1,341.38
Midstate Telephone Company	009044	\$	975.27
Midwest Doors, Inc.	009045	\$	4.50
Missouri Valley Petroleum, Inc.	009046	\$	16,651.92
Mobile Binders	009047	\$	851.23
Moore, Molly	009048	\$	6,085.15
Motorola Solutions	009049	\$	4,276.25
Municipal Emergency Services, Inc.	009050	\$	550.56
N.D. Association of Counties	009051	\$	1,675.80
N.D. Association of Counties	009052	\$	146.40
N.D. Association of Counties	009053	\$	87.23
N.D. Association of Counties	009054	\$	58,050.58
N.D. Association of Counties	009055	\$	7,811.00
N.D. Attorney General's Office	009056	\$	410.00
N.D. Cowboy Hall of Fame	009057	\$	200.00
N.D. Planning Association	009058	\$	450.00
N.D.P.E.R.S.	009059	\$	3,956.74
N.D.P.E.R.S.	009060	\$	20.00
N.D. Recorders Association	009061	\$	100.00
N.D. State Land Department	009062	\$	1,000.00
N.D. State Treasurer	009063	\$	8,623.55
N.D. Surplus Property	009064	\$	500.00
NDACO Directory Sales	009065	\$	60.00
NDACO Resources Group, Inc.	009066	\$	2,140.19
Nelson International	009067	\$	253.59
Newby's Ace Hardware	009068	\$	779.82
North Central Ambulance Sales	009069	\$	146.25
Northern Plains Engineering, LLC	009070	\$	3,500.00
Northwest Tire, Inc.	009071	\$	1,343.84
Off Road Software, Inc.	009072	\$	695.00
O K Tire Stores	009073	\$	1,274.45
Parkway Ford Lincoln	009074	\$	3,693.79
Parkway Ford Lincoln	009075	\$	28,900.00
Pizza Ranch	009076	\$	122.39
Postmaster	009077	\$	48.00
Praxair	009078	\$	39.78
Probuild	009079	\$	102.31
Putnam, Karen	009080	\$	51.15
RDO Trust 80-5800	009081	\$	4,058.73
Rummel Auto Wrecking	009082	\$	48.00
Runnings Farm & Fleet, Inc.	009083	\$	209.78
Sagebrush Firearms	009084	\$	2,171.65
Sax Motor Co.	009085	\$	200.69
Service Printers	009086	\$	466.85
Southwest Business Machines	009087	\$	1,458.67
Southwest Multi-Co. Correction Ctr.	009088	\$	3,210.00
Southwest Water Authority	009089	\$	328.01
Southwest Water Authority	009090	\$	8,588.89
Southwestern District Health Unit	009091	\$	29,878.74
Stein's, Inc.	009092	\$	65.00
Swanson, Stacey	009093	\$	222.13
Tachenko, Cody & Janell	009094	\$	3,985.80
Tczap, John	009095	\$	50.00
ThyssenKrupp Elevator	009096	\$	37,163.40
Titan Machinery	009097	\$	288.76
Tom's Service Center	009098	\$	49.80
Total Safety US, Inc.	009099	\$	30.00
Tri-State Binders	009100	\$	400.00
U.P.S.	009101	\$	31.10
Uniform Center	009102	\$	447.46
Verizon Wireless	009103	\$	1,587.55
Wal-Mart	009104	\$	154.10
WatchGuard Video	009105	\$	114.00
West Dakota Oil, Inc.	009106	\$	27,883.79
Westlie Truck Center	009107	\$	14,624.31
Zabolotny Family Limited Partnership	009108	\$	2,453.00

Zoll Medical Corp.	009109	\$	510.00
Blue Cross Blue Shield	009110	\$	2,546.20
N.D. P.E.R.S.	009111	\$	39,342.91
N.D.P.E.R.S.	009115	\$	30,555.18
Century Link	009118	\$	520.07
Consolidated	009119	\$	230.19
Information Technology Dept.	009120	\$	480.55
Johnson, Joshua Q.	009121	\$	625.00
Medora, City of...	009122	\$	213.35
N.D. Department of Transportation	009123	\$	11.50
Reservation Telephone Cooperative	009124	\$	41.63
Roughrider Electric Cooperative	009125	\$	3,649.14
Visa	009126	\$	6,016.13
Visa	009127	\$	<u>3,326.82</u>

Payroll in the following amounts were approved for February: General Fund \$117,847.23; Road and Bridge Fund \$92,475.85; Weed Fund \$4,957.45.

With there being no further business, Kasian moved to adjourn the meeting 3:30P.M. Kessel seconded. All voted aye.

Joseph Kessel, Vice-Chairman

Attest: \_\_\_\_\_

Marcia Lamb, Auditor/Treasurer